



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 6, 1993

Mr. Charles Karakashian, Jr.  
Assistant General Counsel  
Texas Department of Public Safety  
5805 N. Lamar Blvd.  
Austin, TX 78773-0001

OR93-589

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).<sup>1</sup> Your request was assigned ID# 22207.

The Texas Department of Public Safety (the "department") has received a request for "all files, records, and any other documents . . . regarding Truman Lee Simons." We understand that you do not object to release of the newspaper clippings included in the documents you have submitted for our review. However, you contend that sections 552.101, 552.103 and 552.108 (former sections 3(a)(1), 3(a)(3) and 3(a)(8)) of the Open Records Act except the remaining information from required public disclosure.

Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . .
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution . . . .

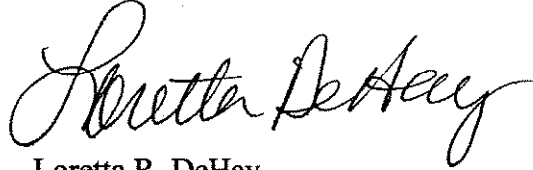
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<sup>1</sup>We note that V.T.C.S. article 6252-17a was repealed by the 73d Legislature. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

Section 552.108 excepts information from disclosure if a law enforcement agency can show how and why release of the information "will unduly interfere with law enforcement," if the information does not supply the explanation on its face. *Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Open Records Decision No. 434 (1986). In addition, this office has recognized that a law enforcement agency in this state can raise section 552.108 to protect the law enforcement interests of a federal agency. Open Records Decision No. 340 (1982). In this case, you state that release of the information at this time would jeopardize an ongoing criminal investigation being conducted by the Federal Bureau of Investigation. You may therefore withhold the requested information, except for the newspaper clippings, pursuant to section 552.108.<sup>2</sup>

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/rho

Ref.: ID# 22207

Enclosures: Submitted documents

cc: Mr. Raoul Schonemann  
Texas Resource Center  
Legal Services  
1206 San Antonio  
Austin, Texas 78701  
(w/o enclosures)

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<sup>2</sup>Because we have concluded that you may withhold the information pursuant to section 552.108, we do not address your arguments under sections 552.101 and 552.103 in this ruling.